IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

DESI LEE HYMAN JACKSON, :

Plaintiff :

CASE NO. 5:13-CV-369-HL

VS. :

42 U.S.C. § 1983

GEORGIA DIAGNOSTIC AND CLASSIFICATION PRISON, et al.,

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Defendants. :

ORDER

Plaintiff **Desi Lee Jackson**, who is currently incarcerated at the Telfair State Prison in Helena, Georgia, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. After conducting a preliminary view of his Complaint, this Court found that Plaintiff's allegations failed to state a claim under § 1983. The Complaint was accordingly dismissed without prejudice. <u>See</u> 28 U.S.C. § 1915A. (Doc. 6.) Judgment was entered on October 10, 2013. (Doc. 7.)

Plaintiff has now filed a Motion to Proceed *in forma pauperis* on Appeal (Doc. 16) from this Court's Order dismissing his Complaint. In the Court's best judgment, an appeal from this Order cannot be taken in good faith. Plaintiff's Motion to Proceed *in forma pauperis* on appeal is accordingly **DENIED**. See 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); Fed. R. App. P. 24(a)(3) ("A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis . . . unless . . . the district court . . . certifies that the appeal is not taken in good faith").

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$455.00 appellate

filing fee. Because Plaintiff has stated that he cannot pay the \$455.00 immediately, he must pay

using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to § 1915(b), the

prison account custodian where Plaintiff is incarcerated shall cause to be remitted to the Clerk of

this Court monthly payments of 20% of the preceding month's income credited to Plaintiff's

account until the \$455.00 appellate filing fee has been paid in full. Twenty percent of any

deposits into the prisoner's account shall be withheld by the prison account custodian who, on a

monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this

Court each time the amount in the account exceeds \$10.00 until the total filing fee of \$455.00

has been paid. Checks should be made payable to "Clerk, U.S. District Court."

The Clerk of Court is **DIRECTED** to mail a copy of this Order to the custodian of the

prison in which Plaintiff is presently incarcerated. Any further requests to proceed in forma

pauperis on appeal should be directed, on motion, to the United States Court of Appeals for the

Eleventh Circuit, in accordance with Rule 24 of the Federal Rules of Appellate Procedure.

SO ORDERED this 10th day of December, 2013.

s/ Hugh Lawson

HUGH LAWSON

UNITED STATES DISTRICT COURT JUDGE

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